IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C. W. P. No. 9397 of 2006
Date of Decision: September 05, 2006

Smt. Kamla Devi ***.....Petitioner***

Versus

State of Punjab and others ***.....Respondents***

Coram: ***Hon'ble Mr.Justice J.S.Khehar***
Hon'ble Mr.Justice S.D. Anand

Present: Mr. L.M.Gulati, Advocate, for the petitioner.
Mr.Ashok Aggarwal, Additional Advocate General
Punjab for respondent Nos. 1 and 2.
Mr. S.L.Chandershekhar, Advocate for respondent No. 3

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J.S. KHEHAR , J. (oral)

Through the instant writ petition, the petitioner has impugned the order of her transfer dated 31.5.2006. A perusal of the aforesaid order reveals that the petitioner has been transferred from Amritsar to Patti. At the time of urgent motion hearing, this Court passed an interim order staying the impugned transfer order dated 31.5.2006 for two reasons, firstly that the petitioner had been transferred to Amritsar only on 14.2.2006 and about three months thereof she had been retransferred on 31.5.2006, secondly, the petitioner was to retire on attaining the age of superannuation on 31.12.2007 and as such it was inappropriate to transfer her soon before her retirement.

During the course of hearing today, we have perused the averments made in the written statement filed on behalf of respondent No.3. The same discloses that respondent No.3 is blind. A medical certificate has also been attached. Coupled with the aforesaid factual position, it has been averred on behalf of respondent No.3 that family of respondent No. 3 is located at Amritsar whereas he is posted at Patti and as such has to travel from Amritsar to Patti every day so as to be with his family.

Having examined the rival pleas raised on behalf of the petitioner on the one hand, and on behalf of respondent No.3, on the other we are satisfied that the claim of respondent No.3 to be posted at Amritsar is more justified than the claim of the petitioner.

In the aforesaid view of the matter, we have no other alternative but to uphold the impugned order of transfer dated 31.5.2006.

Dismissed.

(J.S.Khehar)
Judge

(S.D.Anand)
Judge

September 05, 2006
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